

Order of Detention Pending Revocation Hearing

# United States District Court

## WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

v.

**BRENDON DESHAY DAVIS**

### ORDER OF DETENTION PENDING REVOCATION HEARING

Case Number: **1:06-CR-203**

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending revocation hearing in this case.

#### Part I - Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ☐ a crime of violence as defined in 18 U.S.C. §3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which the maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

#### Alternate Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_
- ☐ under 18 U.S.C. §924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

#### Alternate Findings (B)

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☐ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Defendant entered KPEP on November 22, 2011, as an institutional transfer, and was released by the Bureau of Prisons on May 17, 2012. Upon his release, defendant was referred to the Open Door Program for housing. Defendant left that program on August 24, 2012. In doing so, he moved without permission of the probation officer, and his whereabouts were unknown to the probation department for over one week. The probation officer had no way to contact him, although he made attempts to obtain defendant's (continued on attachment)

#### Part II - Written Statement of Reasons for Detention

Defendant has failed to prove by clear and convincing evidence that there is a condition or combination of conditions that will assure his presence for future court proceedings based upon his failure to cooperate with the probation office and the court as described above.

#### Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: November 14, 2012/s/ Hugh W. Brenneman, Jr.

Signature of Judicial Officer

Hugh W. Brenneman, Jr., United States Magistrate Judge

Name and Title of Judicial Officer

United States v. Brendon Deshay Davis

1:06-CR-203

**ORDER OF DETENTION PENDING REVOCATION HEARING**

Page 2.

**Alternate Findings (B) - (continued)**

new address through his employer. It appears defendant was also associating with a pregnant girlfriend who was a felon, again without permission.

On October 9, 2012, defendant failed to appear before the Hon. Paul L. Maloney.

**Part II - Written Statement of Reasons for Detention - (continued)**